



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

August 24, 1995

MEMORANDUM

TO: Sandra Cook, OLCA
Jennifer Davis, OS
Tom Corwin, OUS/BS
Jack Kristy

FROM: Paul Riddle

Paul Riddle

SUBJECT: Summary of ED comments on draft Goodling-Gunderson
block grant proposal

Here is my paraphrase of the main points made by the various offices that have commented on the block grant proposal. ODS will probably comment next week, and the OS/Goals 2000 folks may have additional comments. I have also attached Tom Corwin's comments, which arrived this morning, and a couple media articles on the proposal in case you missed them.

Goals 2000 (Tom Fagan)

- o Inappropriate emphasis on Governors, to the detriment of SEAs that are responsible for education reform.
- o Inappropriate involvement of Goals Panel in reviewing State applications.
- o Excessive provisions on private schools.
- o Authorized activities are the same old stuff; they aren't real reform.

OUS/Budget Service (Tom Corwin):

- o An "education reform" proposal in name only.
- o Undermines our strategy for reform by block-granting (and thus making optional) vital elements such as professional development, safe and drug-free schools, and technology.
- o Fails to target at either the State or local level of distribution.
- o So flexible as to preclude any meaningful accountability.
- o Inappropriate emphasis on Governors, at the expense of SEAs and some State governance systems.

OESE/Migrant education (Bayla White)

- o Flawed emphasis on Governors.
- o Elimination of ED role in educational technology is wrong.
- o Further undermines Secretary's national leadership role by restricting his discretionary authority in educational reform and innovation.

- o Reporting and accountability provisions are useless, given that the bill would authorize what amounts to general aid and carte blanche.
- o Waiver authority for ESEA, Title I is too broad.

OESE/Drug-Free Schools (Bill Modzeleski)

- o Block-granting the safe and drug-free schools money will make it nearly impossible to develop and maintain good local programs of violence and drug prevention.

OERI (Laurence Peters):

- o Gives too much power to Governors, both in administering the program in their States, and through power to approve State applications through the Goals Panel.
- o Onerous provisions relating to private schools.

OCR (Jeanette Lim): technical comments

OPE (Heather Moore)

- o Strongly opposes repeal of Minority Teacher Recruitment Program (HEA, Title V-E-2).

OSERS (Greg March/Patty Guard)

- o Lack of any express mention of students with disabilities in statements of purpose and authorized activities may mean that they get left out, particularly because of absence of phrases like "all students" that are found in, for example, Goals 2000.

OIG (Jim Borches)

- o No meaningful accountability provisions.

OGC (Jack Kristy)

- o No real "reform" here; essentially the general aid of Chapter 2 all over again.
- o Clear constitutional problem (under the Appointments Clause) with the power given to the Goals Panel to approve State applications.

Attachments



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE UNDER SECRETARY

MEMORANDUM

AUG 24 1995

TO: Paul Riddle

FROM: Tom Corwin *Tom*

SUBJECT: Goodling-Gunderson Block Grant Bill

The draft Goodling-Gunderson bill came around for review while I was on vacation. I have now read the bill and the various comments you received, and would like to add my own comments.

Most of the previous comments deal with the many drafting errors and anomalies that one hopes will be corrected before the bill is introduced. While we should work with Committee staff to correct those problems, I suggest that our basic response to the bill reflect the extent to which it is consistent with the principles and themes we have put forward in our own legislation. To wit:

Promoting State and local educational reform -- The current draft would be an education reform bill in name only. In reality it would provide block grant funding for a broad array of purposes, with little connection to ongoing State reforms. Whether it could become more than that may depend on the outcome of discussions that I understand are taking place in the House over the inclusion of meaningful language on standards and accountability. For now, the requirement for States to develop content and performance standards, as well as performance benchmarks, seems pretty meaningless since those standards and benchmarks would be only loosely tied to the local uses of funds.

Promoting key elements of State and local reform -- In marketing both our ESEA bill and our budget proposals, the Department has contended that real educational reform will depend on: (1) providing greater resources to the neediest districts, schools, and children (Title I); (2) preparing educators to teach to high standards (Eisenhower); and (3) ensuring that schools are safe and drug free (Safe and Drug-Free Schools). By consolidating the Eisenhower and SDFS programs, the bill would thus knock out two of the three legs of the strategy. Schools and districts could still use block grant funds for those purposes, but experience doesn't suggest that they will always do so, particularly since just about anything except school

construction would be an allowable use of funds.¹ As some of the commenters noted, the bill would also terminate Federal support in certain key areas, such as technology, that we believe are also critical to reform.

Targeting funds on States, LEAs, and schools that have the greatest need, in amounts sufficient to make a difference -- Clearly the bill's Federal-to-State formula, based entirely on childcounts, doesn't target at all. This is consistent with the Title VI block grant, one of the programs that would be consolidated, but not with programs like Goals 2000 and SDFS, which would also be included and which distribute half their money on the basis of poverty-based Title I shares.

The State-to-local allocation rules, which are adapted from the current Title VI program, are also deficient as a targeting mechanism. States would allocate funds to LEAs and charter schools on the basis of enrollment, adjusting those allocations to give higher per-pupil allocations to applicants with the greatest numbers or percentages of high-cost students. States would determine how much of their total grants to target on the basis of high-cost students, how to count high-cost students, and how many LEAs and charter schools to give the higher per-pupil allocations. Experience with the Chapter 2 program (the predecessor to Title VI) has shown that at least some States will use the flexibility in this language to do very little targeting at all.

Flexibility combined with accountability -- Clearly the proposed block grant would be very flexible, to the point of

¹ The inclusion of similar consolidation proposals in the Department's "NPR-2" submission may suggest that we are not totally committed to the three-pronged strategy, at least for the long term. However, the failure of those proposals to go beyond the draft stage indicates, I guess, that our previous strategy prevails.

I should also note that I seem to disagree with some of the other reviewers on the issue of what activities would be allowable under the bill. OSERS contends that the list of eligible activities would not permit the use of funds for activities to include disabled students in educational reforms. OESE states that the types of educational innovation and distance learning activities currently carried out under FIE and Star Schools would no longer be authorized. I believe that the authorization for LEAs to use block grant funds for "districtwide education improvements" (activity #1) and "promising education reform projects" (#4) covers all those activities and anything else I can think of.

having no overall purpose or focus. While the accountability provisions have yet to be added, it is difficult to imagine how one would hold States and localities accountable (other than in a narrow fiscal sense) for the use of general assistance funds. The current draft does require States to report on their students' progress in meeting content standards and increasing achievement, and of their LEAs in meeting local goals, but it is unlikely that one will be able to associate any of the data reported with activities undertaken under the block grant. As Bayla noted, the accountability requirements will likely generate only wasted time and effort.

Also in the area of flexibility, I agree with the comments of others that the waiver provisions seem redundant with other authorities (a criticism that I guess could also be directed at some of our proposals), seem idiosyncratic in that they allow only Title I provisions to be waived, and go farther than they should in allowing Title I waivers.

Proper governance -- An (unofficial) issue paper the Department has distributed on the pending workforce development bills states, "A workforce development bill should not supersede State constitutions and laws, and it should recognize that, in all States, the SEA is responsible and accountable for the administration of school funding." The same principle should apply to this bill, because a policy of giving all funds to the Governor, with no role at all for SEAs, would impede coordination of the block grant with other Federal and State programs, confuse accountability, and result in constitutional problems in some of the States. As others have pointed out, some of the other Federal and State governance provisions -- having States approve their own substate allocation criteria, having the NEGP (through a panel of Governors and State legislators) review State applications -- are also very misguided.

Program consolidation -- This issue may be a little tricky for us, since the Department has also been very intent on consolidating and eliminating programs. Among the four major formula grants that would be consolidated, we clearly want to retain Goals 2000, Eisenhower, and SDFS, but not Title VI. As for the rest of the terminations, the bill would seem to kill off mainly programs that Republicans don't like while keeping those that they do.² Most of the smaller programs proposed to be repealed are activities that the Department has also proposed to terminate (e.g., Ellender Fellowships, Dropout Prevention, Law-Related) or are unfunded authorities that we have no interest in funding and whose repeal will be proposed in our upcoming

² The exceptions are Charter Schools and 21st Century Community Learning Centers. Both programs are Republican-backed initiatives that would be repealed. Maybe that is an oversight.

repealers bill (e.g., Urban and Rural Assistance, Alaska Native Ed, Territorial Education Improvement). On the other hand some of the programs, such as Charter Schools and some of the Technology authorities, are very important to us. In our public response to the bill, we will have to provide a clear logic for our strong opposition to the elimination of some of the small programs on the list and our strong support for the termination of others.

We might also take the sponsors to task, a little bit, for their failure to include the repeal of some other programs. Mr. Goodling's Even Start program is not included, even though, now that it has its own Indian program, migrant program, Statewide literacy initiatives program, and women's prison program, it has become the very model of an ever-expanding, ever more categorical Federal activity. And the Title I-D-2 Local Neglected/Delinquent /Dropouts authority, probably the ultimate in convoluted, unadministrable programming (and another Goodling invention) ought to be on anybody's repealer list.

I hope this is useful.

cc: Mike Smith
Tom Payzant

Bill To Push Block Grant For Education

Measure Would Allow Private School Vouchers

By Mark Pitsch

Washington

Key members of the House education committee are drafting legislation that would fold 11 federal education programs, including major initiatives such as Goals 2000, into a \$1.4 billion block grant designed to spur reforms.

The proposal being designed by the panel's Republican leaders would share a central feature of the Clinton Administration's Goals 2000 strategy—a requirement that states and school districts adopt challenging academic-performance standards and assessments with which to measure students' progress toward meeting them.

The bill would also allow, for the first time, the use of federal education funds for voucher programs that include private schools.

The legislation, which is far from complete and will not be introduced until September, is intended to limit the federal government's role in education as appropriators curb spending on education programs, according to Congressional aides. But at the same time, they said, lawmakers want to use the leverage of federal aid to bolster state-based school reforms.

"We've recognized that the worst possible alternative here is to have the same old programs with less money," said Victor F. Klatt, the education coordinator for the House Economic and Educational Opportunities Committee. "The idea is to try and reduce the federal role dramatically in standards, but still follow up on what states and localities are doing."

The bill would not go as far as HR 1883, legislation crafted by a group of House Republican freshmen that would abolish the Education Department, transfer a

handful of programs to other agencies, and consolidate all other K-12 education programs into a \$9 billion block grant.

The House education panel has also begun working on a higher-education block grant.

The committee's K-12 plan would consolidate 11 programs, according to a draft summary. Authorized spending would be set at \$1.4 billion, 10 percent less than was appropriated in fiscal 1995 for those programs, including rescissions.

They include the cornerstone of the Clinton Administration's school-reform strategy, the Goals 2000: Educate America Act; the existing block grant known as Chapter 2 until it was renamed last year, the Eisenhower Professional Development Program; and the Safe and Drug-Free Schools Program.

In addition, the proposal would eliminate outright 45 smaller programs that received a total of \$173 million this year.

A separate block grant would replace the bilingual-education and immigrant-education programs.

The two largest federal precollegiate programs, Title I compensatory education and special-education aid, would remain separate programs, as would impact aid, Indian education, education research and statistics efforts, and a handful of smaller programs.

Under the block-grant proposal, districts would have wide leeway in using the consolidated funds, which could be spent in any of the areas targeted by the broad array of programs it would replace.

Opposition to Vouchers

But the allowable uses of block-grant funding would also include school-choice programs that involve private schools, charter schools, and the hiring of private management firms.

Lawmakers may do this by adding to the list of consolidated

programs a proposed school-choice demonstration program that would set aside \$30 million from Title I. The demonstration proposal has been introduced as HR 1640.

Although education lobbyists expressed grave reservations about the House freshmen's block-grant bill, they are reluctant to pass judgment on the education committee's legislation until the details are final.

There is one exception, however. Representatives of public school groups unanimously oppose the language that would allow states and districts to use federal dollars to support voucher programs.

"Expressly allowing for private-school-choice programs throws the block grant out of the realm of acceptability," said Jeff Simering, the legislative director of the Council of the Great City Schools. "I'm disappointed in that because there are some arguments for

more flexibility."

The proposal may not be wholeheartedly embraced by conservative groups, however.

According to the draft, it would require states to "set curriculum-content and pupil-performance standards of their choice and develop or adopt assessments tied to these standards." Similar provisions are the heart of Goals 2000, now in its second year.

The draft indicates that lawmakers are also considering requiring states to submit school-improvement plans for approval by the Education Department, as they must do under Goals 2000.

Allyson M. Tucker, the policy-council director of the National Policy Forum, a Republican Party think tank, was disappointed in the plan's emphasis on standards

more...

\$1.6 Billion Block Grant

continued...

Roadblocks Ahead

"This is the old Goodling not the new Goodling," she said, referring to Rep. Bill Goodling, R-Pa., the chairman of the House Economic and Educational Opportunities Committee. "The only good thing about doing it this way is it's easier to cut it later."

The bill will not murmur some of the Goals 2000 mandates that anger conservatives the most: requirements that states establish school-improvement panels and set "opportunity to learn" standards or strategies addressing the adequacy of school services.

Nonetheless, observers expect opponents of federal involvement in standards-setting to move to strike the standards language.

Undersecretary of Education Marshall S. Smith said last week that he could not discuss the plan because he had not seen any legislative language. But he expressed skepticism about its viability.

"I would doubt if it's really going

to happen this year," he said.

And aides to members of the Senate Labor and Human Resources Committee said that their bosses have no interest in a broad education block grant.

The Senate panel recently approved a much smaller block-grant plan championed by its chairwoman, Sen. Nancy Landon Kassebaum, R-Kan., which would include some of the programs addressed in the House proposal, notably the Safe and Drug-Free Schools Program. The \$900 million block grant, focused on crisis-prevention efforts for at-risk youths, would also include programs administered by the Health and Human Services and Justice departments.

House lawmakers plan to combat opposition to their proposal by tying the block-grant legislation to a bill reauthorizing the Individuals with Disabilities Education Act. While the largest special-education program is permanently authorized, some educators fear that Congress might allow smaller I.D.E.A. programs to lapse if they become hostages in a legislative stalemate.

Winners and Losers

It is difficult to predict precisely who the long-term winners and losers would be under the House block-grant plan, since lawmakers are still debating how to divide up the funding pie and who would control the money.

According to the draft, the proposal would base state allocations on their school-age populations. Lawmakers are mulling over options for allocations within states, and the document indicates that they may set no rules at all or adopt a mechanism that funnels more money to low-income areas.

Since some of the programs to be

replaced distribute money in ways that favor those areas, such areas would probably suffer a funding cut under a population-based formula. Other targeted programs are competitive, a format that often favors larger districts.

A population-based formula "would, in effect, deprive some of the poorer districts of money," said Mr. Simering of the Council of the Great City Schools.

He also noted that when state officials have been given control of block grants, they historically have spread the money around rather than concentrating it on needy areas.

One critical decision yet to be made is whether the block-grant money would be controlled by governors—as would funds under most of the block-grant proposals crafted by the G.O.P. this year—or by state education agencies, which now administer most federal education programs.

Gordon M. Ambach, the executive director of the Council of Chief State School Officers, said that if the block grant is intended to align federal education dollars with state and local school funding, control over the money should be vested in the state chiefs.

But Patty Sullivan, an education-policy analyst at the National Governors' Association, said that governors—an influential force on Capitol Hill this year—are interested in the legislation and are working with the House committee to address standards and governance issues.

Because few, if any, school districts would opt to create a choice program under which some of their dollars would be funneled to private schools, putting at least some federal money under governors' control is an enticing option for voucher proponents, said Bruce Hunter, a senior associate executive director of the American Association of School Administrators.

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House GOP Mulls Standards For Reform Block Grant

House Republicans have built the skeleton for a school reform plan that sidesteps the thorny issue of state standards.

GOP aides last week circulated their draft of a bill that would create a reform block grant, but they haven't proposed specific requirements for states to write standards and test students' progress.

The as-yet unIntroduced bill includes only vague references to standards. Republicans hope to flesh out that part of the plan when Congress reconvenes Sept. 5, in time for the House Economic and Educational Opportunities Committee to take up a bill next month, a GOP aide said yesterday.

The rub comes in demanding increased student learning by offering flexible assistance and "without having the federal government becoming too intrusive," the aide said.

The bill would combine four formula grants—the Dwight D. Eisenhower Professional Development, former Chapter 2 block grant, Safe and Drug-Free Schools and Goals 2000 programs—to create a reform block grant with a GOP twist (ED, July 12).

Squeezing Goals 2000

The House's fiscal 1996 spending bill would set aside \$550 million for the Chapter 2 and Eisenhower program, \$200 million for the safety and antidrug efforts, but nothing for Goals 2000 (ED, Aug. 10).

The block grant draft—developed by committee staff members—has yet to win the endorsement of any member of the education panel, according to a staff memo seeking comments on the draft circulated to lobbyists.

(more on p. 2)

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Parents Must Pay For Services In Religious School, Court Says

For the second time, a federal appeals court has said a school board in Virginia isn't required to pay for services for a deaf student attending a religious school.

Last month, the U.S. Fourth Circuit Court of Appeals rejected parents' claim that the board's failure to provide their child with a language interpreter infringed on their religious rights.

The parents said the burden of paying \$14,000 per year for that service interfered with their free exercise of religion, violating the First Amendment and the 1993 Religious Freedom Restoration Act (RFRA).

But a three-judge panel of the Fourth Circuit ruled that the board is neither constitutionally nor statutorily required to provide the services of a speech interpreter at the boy's religious school.

(more on p. 3)

House GOP Mulls Standards For Reform Block Grant (Cont.)

Aides will collect comments from education lobbyists until Aug. 28.

Reform Question

The key question is how far the GOP will go in forcing states to comply with federal guidelines on standards.

President Clinton's Goals 2000 reform program forces states to meet requirements such as convening a panel of education and community leaders to oversee reform and writing standards in all core content areas.

Conservative Republicans say that program would give the federal government too much power over curriculum and other decisions traditionally left to states. But Rep. Bill Goodling, R-Pa., the education panel's chairman, has resisted conservatives' efforts to scrap the program (ED, May 11).

Goodling "figures the best way to save the idea of standards-based reform is to eliminate [Goals 2000] and recast the idea in a different program," said Jack Jennings, director of the Center on National Education Policy and the former top education aide to House Democrats.

The GOP draft bill simply says states would have to explain how they would write the standards and tests designed to assess students' success in meeting them.

Limiting ED's Role

Another change from Goals 2000 would be a "much reduced role for the federal government," the aide added.

Now, ED approves state applications, although it may not reject a plan based on the content of standards. "I can't imagine the final bill" will continue to give ED that power, the aide said.

The draft says the National Education Goals Panel would get the chance to review state plans and tell ED when states meet the standards criteria. But that language likely will change, too, the aide said.

Fighting For Power

The draft would let state law determine which state entity oversees most of the grant.

The draft would require 7.5 percent of a state's grant be set aside for the governor, who would oversee the standards effort and continue current statewide antidrug efforts.

The rest of the money would go to "state programs," meaning state law would dictate whether that part of the grant is spent by the governor or chief state school officer. Regardless, under the draft, a state would have to send 85 percent of its money to districts.

State grants would be based on school-aged population, with small states guaranteed 0.25 percent of the total. —David Hoff

Riley Recruits Celebrities To Tout Parent Involvement

Education Secretary Richard Riley will lead a cast of national celebrities into America's schools as part of his campaign to increase parental involvement.

Riley has declared Sept. 11 the kick-off of a yearlong ED campaign, "America Goes Back to School: A Place for Families and the Community."

Business leaders, Nobel prize winners, professional athletes and other celebrities will participate Sept. 11, Riley's spokeswoman said.

"What we're stressing is communities and families reconnecting with schools," Kathryn Kahler said yesterday. "We want this to be ongoing, and we will be doing this all year long."

Most of the members of President Clinton's Cabinet have promised to participate in the Sept. 11 event, Kahler said, with major names to be announced next week. —David Hoff

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

-Title I?

August 10, 1995

MEMORANDUM

TO: Legislative Services Officers

Attn: Mr. Berry, OVAE	Ms. Lisenby, OM
Mr. Borches, OIG	Mr. March, OSERS
Ms. Cavataio, ODS	Ms. McCarroll, OCFO
Mr. Garcia, OBEMLA	Mr. Peters, OERI
Mr. Hunt, OIIA	Ms. Rairdin, OLCA
Ms. Kirkgasler, OPE	Mr. Smith, OUS
Ms. Lim, OCR	Mr. Wooten, OESE
Mr. Link, ES	

Office of the General Counsel

Attn: Ms. Craig	Mr. Rosenfelt
Mr. Haubert	Mr. Schatken
Mr. Jenkins	

FROM: Paul Riddle *Paul Riddle*
Division of Legislative Counsel

SUBJECT: Draft Goodling/Gunderson block-grant bill

Attached, for your review and comment, is a draft of Congressmen Goodling and Gunderson's legislation to replace numerous programs administered by the Department with a program of block grants to the States. I have also attached the tables of contents for the ESEA and Goals 2000 to show the programs and provisions that would be repealed, as well as a mark-up of the sections of Title II of Goals 2000 that would be amended.

Please review the draft and give me your written comments on it (both substantive and technical) by next Thursday, August 17. I am in Room 5324, FB10B, and can be reached at 401-6269; fax: 401-5391.

Thanks.

Attachments

cc: Mr. Peterson, OS	Ms. Studley
Ms. Dozier, OS	Mr. Winnick
Mr. Cohen, OS	Mr. Baxter
Ms. Davis, OS	Mr. Kristy
Mr. Ginsburg, OUS/PES	Ms. Feldman
Mr. Hazzard, OUS/BS	Ms. Gelissen
Ms. Winston	Mr. Hansen
Ms. Ellis	Ms. Heindel

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DRAFT**DRAFT**

1 **TITLE II—EDUCATION REFORM**
2 **CONSOLIDATION GRANT**

3 **PART A—[To be supplied]**

4 **SEC. 201. FINDINGS AND PURPOSES.**

5 (a) **FINDINGS.**—The Congress finds that—

6 (1) The Federal role in improving education is
7 to provide flexible assistance to States and localities
8 to enable them to design their own individual strate-
9 gies to meet the National Education Goals, and

10 (2) a major goal of education reform must be
11 to streamline and consolidate Federal elementary
12 and secondary programs eliminating unnecessary du-
13 plication and fragmentation in such programs.

14 (b) **STATEMENT OF PURPOSE.**—It is the purpose of
15 this Act—

16 (1) to consolidate over 50 Federal elementary
17 and secondary education categorical programs into a
18 single consolidated grant in order to provide States,
19 local educational agencies, and schools maximum
20 flexibility to achieve education reform;

21 (2) to increase student achievement and im-
22 prove the quality of learning and teaching in the
23 classroom;

24 (3) to support State and local education reform
25 efforts;

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1 (4) to provide funding to enable State, local
2 educational agencies, and schools to implement
3 promising educational reform programs;

4 (5) to provide a continuing source of innovation
5 and educational improvement; and

6 (6) to create a safe and drug-free school envi-
7 ronment.

8 SEC. 202. DEFINITIONS.

9 For the purposes of this Act, the following terms have
10 the following meanings:

11 (1) The term 'charter school' means a public
12 school that—

13 (A) in accordance with an enabling State
14 statute, is exempted from significant State or
15 local rules that inhibit the flexible operation
16 and management of public schools;

17 (B) is created by a developer as a public
18 school, or is adapted by a developer from an ex-
19 isting public school, and is operated under pub-
20 lic supervision;

21 (C) operates in pursuit of a specific set of
22 educational objectives determined by the
23 school's developer and agreed to by the author-
24 ized public chartering agency;

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1 (D) provides a program of elementary or
2 secondary education, or both;

3 (E) is nonsectarian in its programs, admis-
4 sions policies, employment practices, and all
5 other operations;

6 (F) does not charge tuition;

7 (G) admits students on the basis of a lot-
8 tery, if more students apply for admission than
9 can be accommodated;

10 (H) agrees to comply with the same Fed-
11 eral and State audit requirements as do other
12 elementary and secondary schools in the State,
13 unless such requirements are specifically waived
14 for the purpose of this program;

15 (I) meets all applicable Federal, State, and
16 local health and safety requirements; and

17 (J) operates in accordance with State law.

18 (2) The term "Governor" means the chief exec-
19 utive of the State.

20 (3)(A) The term "local educational agency"
21 means a public board of education or other public
22 authority legally constituted within a State for either
23 administrative control or direction of, or to perform
24 a service function for, public elementary or second-
25 ary schools in a city, county, township, school dis-

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1 trict, or other political subdivision of a State, or for
2 such combination of school districts or counties as
3 are recognized in a State as an administrative agen-
4 cy for its public elementary or secondary schools.

5 (B) The term includes any other public institu-
6 tion or agency having administrative control and di-
7 rection of a public elementary or secondary school.

8 (C) The term includes an elementary or second-
9 ary school funded by the Bureau of Indian Affairs
10 but only to the extent that such inclusion makes
11 such school eligible for programs for which specific
12 eligibility is not provided to such school in another
13 provision of law and such school does not have a stu-
14 dent population that is smaller than the student
15 population of the local educational agency receiving
16 assistance under this Act with the smallest student
17 population, except that such school shall not be sub-
18 ject to the jurisdiction of any State educational
19 agency other than the Bureau of Indian Affairs.

20 (4) The term "outlying areas" means Guam,
21 American Samoa, the Virgin Islands, and the Com-
22 monwealth of the Northern Mariana Islands;

23 (5) The term "parent" includes a legal guard-
24 ian or other person standing in loco parentis.

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1 (6) The term "school" means a public school
2 that is under the authority of the State or a local
3 educational agency.

4 (7) The term "Secretary", unless otherwise pro-
5 vided, means the Secretary of Education.

6 (8) The term "State", unless otherwise pro-
7 vided, means each of the 50 States, the District of
8 Columbia, the Commonwealth of Puerto Rico, and
9 each of the outlying areas.

10 (9) the term "State content standards" means
11 broad descriptions of the knowledge and skills stu-
12 dents should acquire in a particular subject area as
13 defined by the State;

14 (10) the term "State student performance
15 standards" means concrete examples and explicit
16 definitions of what students have to know and be
17 able to do to demonstrate that such students are
18 proficient in the skills and knowledge framed by
19 State content standards as defined by the State;

20 (11) the term "State assessment" means meas-
21 ures of student performance which include at least
22 1 instrument of evaluation, and may include other
23 measures of student performance, for a specific pur-
24 pose and use which are intended to evaluate the
25 progress of students in the State toward learning

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1 the material in State content standards in 1 or more
2 subject areas as defined by the State.

3 SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

4 To carry out the purposes of title ~~A~~^{II}, there are author-
5 ized to be appropriated \$_____ for fiscal
6 year 1996 and such sums as may be necessary for each
7 of the four succeeding fiscal years.

8 PART B—STATE AND LOCAL PROGRAMS

9 SEC. 211. ALLOTMENT TO STATES.

10 (a) RESERVATIONS.—From the sums appropriated to
11 carry out this title in any fiscal year, the Secretary shall
12 reserve not more than—

13 (1) one-half of one percent for payments to out-
14 lying areas to be allotted in accordance with the re-
15 spective needs of such areas; and

16 (2) one-half of one percent for payments to the
17 Secretary of the Interior to carry out programs
18 under this title for Indian children.

19 (b) ALLOTMENT.—From the remainder of such sums,
20 the Secretary shall allot to each State an amount which
21 bears the same ratio to the amount of such remainder as
22 the school-age population of the State bears to the school-
23 age population of all States, except that no State shall
24 receive less than an amount equal to one-quarter of one
25 percent of such remainder.

*Formula—
- sch. age population
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1 (c) DEFINITIONS.—For purposes of this part the
2 term “school-age population” means the population aged
3 5 through 17.

4 SEC. 212. LOCAL ALLOCATION.

5 (a) DISTRIBUTION RULE.—From the sums made
6 available each year to carry out this title, the State shall
7 distribute not less than 85 percent to local educational
8 agencies and charter schools within such State according
9 to the relative enrollments in public and private, nonprofit
10 schools within such agencies and schools, adjusted, in ac-
11 cordance with criteria approved by the State, to provide
12 higher per pupil allocations to local educational agencies
13 and charter schools which have the greatest numbers or
14 percentages of children whose education imposes a higher
15 than average cost per child, such as—

16 (1) children living in areas with high concentra-
17 tions of low-income families;

18 (2) children from low-income families; and

19 (3) children living in sparsely populated areas.

20 (b) CALCULATION OF ENROLLMENTS.—

21 (1) IN GENERAL.—The calculation of relative
22 enrollments under subsection (a) shall be on the
23 basis of the total of—

24 (A) the number of children enrolled in pub-
25 lic schools; and

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Private Schools

(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title, for the fiscal year preceding the fiscal year for which the determination is made.

(2) CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

(3) ADJUSTMENTS.—Relative enrollments under subsection (a) may be adjusted by the State to provide higher per pupil allocations to local educational agencies and charter schools based upon the criteria approved by the State, but the State shall distribute not less than 85 percent of the amount such State receives under this Act.

(c) PAYMENT OF ALLOCATIONS.—

(1) DISTRIBUTION.—From the funds paid to a State pursuant to section 5 for a fiscal year, a State shall distribute to each local educational agency and

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1 charter school which has submitted an application as
2 required in section 112 an amount determined under
3 subsection (a).

4 (2) ADDITIONAL FUNDS.—(A) Additional funds
5 resulting from higher per pupil allocations provided
6 to a local educational agency on the basis of ad-
7 justed enrollments of children described in sub-
8 section (a), may, at the discretion of the local edu-
9 cational agency, be allocated for expenditures to pro-
10 vide services for children enrolled in public and pri-
11 vate nonprofit schools in direct proportion to the
12 number of children described in subsection (a) [and
13 enrolled in such schools within the local educational
14 agency].

15 [(B) In any fiscal year, a local educational
16 agency that elects to allocate such additional funds
17 in the manner described in subparagraph (A).]

18 (C) The provisions of subparagraphs (A) and
19 (B) may not be construed to require any school to
20 limit the use of such additional funds to the provi-
21 sion of services to specific students or categories of
22 students.

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PART C—STATE PROGRAMS

SEC. 221. STATE USES OF FUNDS.

(a) IN GENERAL.—From the amounts made available to carry out this title 15 percent shall be made available for State programs of which 7.5 percent shall be reserved for the Governor to develop or implement—

(1) State content standards and State student performance standards and assessments aligned with the State content standards;

(2) new and innovative approaches to statewide education reform, including public and private school choice programs, charter schools, magnet schools, and private management of public schools;

(3) competitive grant awards to local educational agencies, charter schools, and schools to support and supplement innovative education reform activities;

(4) drug abuse resistance education programs;
and

(5) such other education reform activities as the Governor considers appropriate.

(b) STATE PROGRAMS.—The remaining 7.5 percent made available to the State may be used for—

(1) State administration of programs under this title, including —

why Gov.
develop standards?

Private school
choice -
7.5% of
bill allocated

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1 (A) supervision of the allocation of funds
2 to local educational agencies and charter
3 schools;

4 (B) planning, supervision, and processing
5 of State funds; and

6 (C) monitoring and evaluation of programs
7 and activities under this title; and

8 (2) technical assistance and direct grants to
9 local educational agencies, charter schools, and pri-
10 vate nonprofit schools, for statewide education re-
11 form activities.

12 (b) LIMITATIONS AND REQUIREMENTS.—The Gov-
13 ernor and the State may each use not more than 1.5 per-
14 cent of the funds made available for State programs under
15 this title in any fiscal year for administrative costs.

16 SEC. 222. STATE APPLICATIONS.

17 (a) APPLICATION REQUIREMENTS.—A State which
18 desires to receive assistance under this title shall submit
19 an application which describes how the State will improve
20 elementary and secondary education in the State. Such ap-
21 plication shall—

22 (1)(A) include strategies for meeting the Na-
23 tional Education Goals;

24 (B) include a process for developing or adopting
25 State content standards and State student perform-

*Strategies for
Goals*

*content and
standards*

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*assessment**benchmarks**head-based
involvement**program eval.
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1 ance standards and assessments aligned with the
2 State content standards;

3 (C)- include a process for establishing specific
4 benchmarks of improved student performance and of
5 progress in implementing improvements in elemen-
6 tary and secondary education in the State; and

7 (D) include a process for involving parents and
8 other community representatives, particularly busi-
9 ness representatives, in planning, designing, and im-
10 plementing State content standards and State stu-
11 dent performance standards and assessments that
12 increase student achievement levels; and

13 (E) in fiscal year 1999 provide for an evalua-
14 tion of the effectiveness of programs assisted under
15 this title;

16 (2) set forth the allocation of such funds re-
17 quired to implement section 241;

18 (3) provide that the State will keep such
19 records and provide such information to the Sec-
20 retary as may be required for fiscal audit and pro-
21 gram evaluation (consistent with the responsibilities
22 of the Secretary under this section);

23 (4) provide timely public notice and public dis-
24 semination of the information required by para-
25 graphs (1) and (2).

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1 (b) PERIOD OF APPLICATION.—An application filed
2 by the State under subsection (a) shall be for a period
3 not to exceed 5 years; and may be amended annually as
4 may be necessary to reflect changes without filing a new
5 application.

6 (c) PEER REVIEW AND APPROVAL.—

7 (1) REVIEW.—The National Education Goals
8 Panel shall review each State application prepared
9 under this section through a peer review subcommit-
10 tee of the Panel composed of Governors and State
11 legislators to—

12 (A) determine whether the application
13 meets the requirements of this section;

14 7 (B) allow local schools, including charter
15 schools, local educational agencies, and local
16 communities the flexibility to make local im-
17 provements in elementary and secondary edu-
18 cation by promoting a “bottom up” system of
19 school reform.

20 (2) INFORM SECRETARY.—The National Edu-
21 cation Goals Panel shall inform the Secretary that
22 the State has met the requirements of this section
23 and the Secretary shall allocate funds to the State.

24 (d) PREEXISTING STATE PLANS AND APPLICA-
25 TIONS.—If a State has developed a comprehensive State

*PEER
Reviews*

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1 plan or application to help its students meet State content
2 standards or any component of such plan or application
3 that meets the intent and purposes of this section, the Sec-
4 retary, after review by the National Education Goals
5 Panel, shall allocate funds under this title to the State
6 based on such preexisting plan or application.

7 PART D—LOCAL EDUCATION REFORM

8 ACTIVITIES

9 SEC. 231. USE OF FUNDS.

10 (a) GENERAL RULE.—Funds made available to local
11 educational agencies and charter schools under section
12 102 may be used for education reforms described in sub-
13 section (b).

14 (b) EDUCATION REFORMS.—The education reforms
15 referred to in subsection (a) may include—

16 (1) districtwide education improvements di-
17 rected at enabling students to meet the State con-
18 tent and State student performance standards and
19 assessments;

20 (2) professional development activities that im-
21 prove teaching methods in order for teachers to
22 teach to the State's content standards and increase
23 student achievement;

24 (3) public and private school choice;

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1 (4) promising education reform projects, includ-
2 ing charter schools, magnet schools, and private
3 management of public schools;

4 (5) technology related to the implementation of
5 school-based reform programs, including acquisition
6 of technology and professional development to assist
7 teachers and other school officials regarding how to
8 use effectively such equipment and software;

9 (6) programs for the acquisition and use of in-
10 structional and educational materials, which are tied
11 to high academic standards and which will be used
12 to improve student achievement as part of an overall
13 education reform program;

14 (7) programs to combat illiteracy, including
15 family literacy;

16 (8) programs to prevent students from dropping
17 out of school;

18 (9) programs to prevent drug abuse and vio-
19 lence;

20 (10) programs to provide for the educational
21 needs of gifted and talented children; and

22 (11) programs for career exploration and guid-
23 ance counseling.

*Safe drug
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1 (c) LIMITATION.—None of the funds received under
2 this title may be used for construction, repair, or renova-
3 tion of school facilities:

4 SEC. 232. ADMINISTRATIVE AUTHORITY.

5 In order to conduct the activities authorized by this
6 Act, each State or local educational agency may use funds
7 reserved for this title to make grants to and to enter into
8 contracts with local educational agencies, charter schools
9 institutions of higher education, libraries, museums, and
10 other public and private agencies, organizations, and insti-
11 tutions.

12 SEC. 233. LOCAL APPLICATIONS.

13 (a) CONTENTS OF APPLICATION.—A local edu-
14 cational agency, charter school, or consortium of such en-
15 tities may receive an allocation of funds under this title
16 for any year for which an application is submitted to the
17 State and such application is certified to meet the require-
18 ments of this section. The State shall certify any such ap-
19 plication if such application—

20 (1)(A) sets forth the planned allocation of funds
21 among education reforms described in section 231
22 and describes the programs, projects, and activities
23 designed to carry out such reforms which the local
24 educational agency or charter school plans to imple-
25 ment; and

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1 (B) sets forth the allocation of such funds re-
2 quired to implement section 241;

3 (2) describes how assistance under this title will
4 contribute and assist schools in meeting the Na-
5 tional Education Goals and helping students reach
6 State content standards and State student perform-
7 ance standards and assessments which will improve
8 student achievement or improve the quality of edu-
9 cation for students;

10 (3) provides assurances of compliance with the
11 provisions of this title, including the participation of
12 children enrolled in private, nonprofit schools;

13 (4) contains an agreement to keep such records,
14 and provide such information as reasonably may be
15 required by the State for fiscal audit and program
16 evaluation;

17 (5) includes a process for involving parents of
18 children attending elementary and secondary schools
19 in the area served by the local educational agency or
20 charter school, teachers and administrative person-
21 nel in such schools, and other community represent-
22 atives, particularly business representatives, in plan-
23 ning, designing, and implementing education reform
24 activities authorized by this part; and

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1 (6) identifies, with an explanation, any State or
2 Federal requirements that the local educational
3 agency or charter school believes impede educational
4 reform and that such agency or school requests be
5 waived in accordance with section 242.

6 (b) PERIOD OF APPLICATION.—An application filed
7 by a local educational agency, charter school, or consor-
8 tium of such entities under subsection (a) shall be for a
9 period not to exceed 5 fiscal years, may provide for the
10 allocation of funds to programs for a period of 5 years,
11 and may be amended annually as may be necessary to re-
12 flect changes without filing a new application.

13 (c) SCHOOL FUNDS.—A local educational agency that
14 receives an allotment under this title must provide 95 per-
15 cent of such allotment to individual schools to develop and
16 implement comprehensive education reforms which are de-
17 signed to help students in such schools meet the State con-
18 tent standards and State student performance standards.

19 (d) ADMINISTRATIVE COSTS.—A local educational
20 agency may use not more than 2 percent of funds received
21 under this title for administrative expenses.

22 (e) LOCAL EDUCATIONAL AGENCY DISCRETION.—
23 Subject to the limitations and requirements of this title,
24 a local educational agency or charter school shall have
25 complete discretion in determining how funds received

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1 under this part shall be used to carry out section 231.
2 In exercising such discretion, a local educational agency
3 or charter school shall ensure that expenditures under this
4 title carry out the purposes of this title and are used to
5 meet the educational needs within the schools of such local
6 educational agency.

7 **PART E—GENERAL ADMINISTRATIVE**
8 **PROVISIONS**

9 **SEC. 241. PARTICIPATION OF CHILDREN ENROLLED IN**
10 **PRIVATE SCHOOLS.**

11 (a) **PARTICIPATION ON EQUITABLE BASIS.—**

12 (1) **IN GENERAL.—**To the extent consistent
13 with the number of children [enrolled?] in the
14 school district of a local educational agency [*do*
15 *charter schools fit here*] which is eligible to receive
16 funds under this title or which serves the area in
17 which a program or project assisted under this title
18 is located who are enrolled in private nonprofit ele-
19 mentary and secondary schools, or with respect to
20 instructional or personnel training programs funded
21 by the State from funds made available for State
22 use, such agency, after consultation with appropriate
23 private school officials, shall provide for the benefit
24 of such children in such schools secular, neutral, and
25 nonideological services, materials, and equipment, in-

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1 including the participation of the teachers of such chil-
2 dren (and other educational personnel serving such
3 children) in training programs, or, if such services,
4 materials, and equipment are not feasible or nec-
5 essary in one or more such private schools as deter-
6 mined by the local educational agency after consulta-
7 tion with the appropriate private school officials,
8 shall provide such other arrangements as will assure
9 equitable participation of such children in the pur-
10 poses and benefits of this title.

11 (2) OTHER PROVISIONS FOR SERVICES.—If no
12 program or project is carried out under paragraph
13 (1) in the school district of a local educational agen-
14 cy, the State shall make arrangements, such as
15 through contracts with nonprofit agencies or organi-
16 zations, under which children in private schools in
17 such district are provided with services and mate-
18 rials to the extent that would have occurred if the
19 local educational agency had received funds under
20 this title.

21 (3) APPLICATION OF REQUIREMENTS.—The re-
22 quirements of this section relating to the participa-
23 tion of children, teachers, and other personnel serv-
24 ing such children shall apply to programs and
25 projects carried out under this title by a State or

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1 local educational agency, whether directly or through
2 grants to or contracts with other public or private
3 agencies, institutions, or organizations.

4 (b) EQUAL EXPENDITURES.—Expenditures for pro-
5 grams pursuant to subsection (a) shall be equal (consist-
6 ent with the number of children to be served) to expendi-
7 tures for programs under this title for children enrolled
8 in the public schools of the local educational agency, tak-
9 ing into account the needs of the individual children and
10 other factors which relate to such expenditures, and when
11 funds available to a local educational agency under this
12 title are used to concentrate programs or projects on a
13 particular group, attendance area, or grade or age level,
14 children enrolled in private schools who are included with-
15 in the group, attendance area, or grade or age level se-
16 lected for such concentration shall, after consultation with
17 the appropriate private school officials, be assured equi-
18 table participation in the purposes and benefits of such
19 programs or projects.

20 (c) FUNDS.—

21 (1) ADMINISTRATION OF FUNDS AND PROP-
22 erty.—The control of funds provided under this
23 title, and title to materials, equipment, with such
24 funds, shall be in a public agency for the uses and

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1 purposes provided in this title, and a public agency
2 shall administer such funds and property.

3 (2) PROVISION OF SERVICES.—The provision of
4 services pursuant to this title shall be provided by
5 employees of a public agency or through contract by
6 such public agency with a person, an association,
7 agency, or corporation who or which, in the provi-
8 sion of such services, is independent of such private
9 school and of any religious organizations, and such
10 employment or contract shall be under the control
11 and supervision of such public agency, and the funds
12 provided under this title shall not be commingled
13 with State or local funds.

14 (d) STATE PROHIBITION WAIVER.—If by reason of
15 any provision of law a State or local educational agency
16 is prohibited from providing for the participation in pro-
17 grams of children enrolled in private elementary and sec-
18 ondary schools, as required by this section, the Secretary
19 shall waive such requirements and shall arrange for the
20 provision of services to such children through arrange-
21 ments which shall be subject to the requirements of this
22 section.

23 [(e) WAIVER AND PROVISION OF SERVICES.—

24 [(1) FAILURE TO COMPLY.—If the Secretary
25 determines that a State or a local educational agen-

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1 cy has substantially failed or is unwilling to provide
2 for the participation on an equitable basis of chil-
3 dren enrolled in private elementary and secondary
4 schools as required by this section, the Secretary
5 may waive such requirements and shall arrange for
6 the provision of services to such children through ar-
7 rangements which shall be subject to the require-
8 ments of this section.

9 [(2) WITHHOLDING OF ALLOCATION.—Pending
10 final resolution of any investigation or complaint
11 that could result in a determination under this sub-
12 section or subsection (d), the Secretary may with-
13 hold from the allocation of the affected State or local
14 educational agency the amount estimated by the
15 Secretary to be necessary to pay the cost of those
16 services.

17 [(f) DETERMINATION.—Any determination by the
18 Secretary under this section shall continue in effect until
19 the Secretary determines that there will no longer be any
20 failure or inability on the part of the State or local edu-
21 cational agency to meet the requirements of subsections
22 (a) and (b).

23 [(g) PAYMENT FROM STATE ALLOTMENT.—When
24 the Secretary arranges for services pursuant to this sec-
25 tion, the Secretary shall, after consultation with the ap-

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1 appropriate public and private school officials, pay the cost
2 of such services, including the administrative costs of ar-
3 ranging for those services, from the appropriate allotment
4 of the State under this title.

5 [(h) REVIEW.—

6 [(1) WRITTEN OBJECTIONS.—The Secretary
7 shall not take any final action under this section
8 until the State and the local educational agency af-
9 fected by such action have had an opportunity, for
10 not less than 45 days after receiving written notice
11 thereof, to submit written objections and to appear
12 before the Secretary or the Secretary's designee to
13 show cause why that action should not be taken.

14 [(2) COURT ACTION.—If a State or local edu-
15 cational agency is dissatisfied with the Secretary's
16 final action after a proceeding under paragraph (1),
17 such agency may, not later than 60 days after notice
18 of such action, file with the United States court of
19 appeals for the circuit in which such State is located
20 a petition for review of that action. A copy of the
21 petition shall be transmitted by the clerk of the
22 court to the Secretary. The Secretary thereupon
23 shall file in the court the record of the proceedings
24 on which the Secretary based this action, as pro-

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1 vided in section 2112 of title 28, United States
2 Code.

3 **[(3) REMAND TO SECRETARY.—**The findings of
4 fact by the Secretary, if supported by substantial
5 evidence, shall be conclusive; but the court, for good
6 cause shown, may remand the case to the Secretary
7 to take further evidence and the Secretary may
8 make new or modified findings of fact and may mod-
9 ify the Secretary's previous action, and shall file in
10 the court the record of the further proceedings. Such
11 new or modified findings of fact shall likewise be
12 conclusive if supported by substantial evidence.

13 **[(4) COURT REVIEW.—**Upon the filing of such
14 petition, the court shall have jurisdiction to affirm
15 the action of the Secretary or to set such action
16 aside, in whole or in part. The judgment of the court
17 shall be subject to review by the Supreme Court of
18 the United States upon certiorari or certification as
19 provided in section 1254 of title 28, United States
20 Code.]

21 **(i) PRIOR DETERMINATION.—**Any bypass determina-
22 tion by the Secretary under chapter 2 of title I of the Ele-
23 mentary and Secondary Education Act (as such Act was
24 in effect on October 19, 1994) shall, to the extent consist-

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ent with the purposes of this Act, apply to programs under this title.

SEC. 242. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) STATE WAIVERS.—

(1) APPLICATION.—

(A) A State that receives funds under this title may request a waiver by submitting an application for such waiver to the Secretary.

(B) Each application submitted to the Secretary under subparagraph (A) shall—

(i) identify the statutory or regulatory requirements that are requested to be waived and the goals that the State intends to achieve;

(ii) describe the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iii) describe the numbers and types of students to be impacted by such waiver;

(iv) describe a timetable for implementing a waiver; and

(v) describe the process the State will use to monitor, on a biannual basis, the progress in implementing a waiver.

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1 (C) The application shall also demonstrate
2 that the eligible State has adopted an edu-
3 cational flexibility plan for the State that in-
4 cludes—

5 (i) a description of the process the
6 State will use to evaluate applications from
7 a local educational agency, charter school,
8 or school requesting waivers of State statu-
9 tory or regulatory requirements relating to
10 education; and

11 (ii) a detailed description of the State
12 statutory and regulatory requirements re-
13 lating to education that the State will
14 waive.

15 (D) The Secretary may approve an application
16 described in this paragraph if the Secretary deter-
17 mines that such application demonstrates substantial
18 promise of assisting the State, local educational
19 agency, charter school, or school within such State
20 in carrying out comprehensive educational reform
21 and otherwise meeting the purposes of this Act,
22 after the Secretary has considered—

23 (i) the comprehensiveness and quality of
24 the educational flexibility plan described in sub-
25 paragraph (C);

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1 (ii) the ability of such plan to ensure ac-
2 countability for the activities and goals de-
3 scribed in such plan; and

4 (iii) the significance of the State statutory
5 or regulatory requirements relating to education
6 that will be waived.

7 (2) TIMELINESS.—The Secretary shall act
8 promptly on a request for a waiver under paragraph
9 (1) and shall provide a written statement of the rea-
10 sons for granting or denying such request.

11 (3) PUBLICATION.—A notice of the Secretary's
12 decision to grant waivers shall be published in the
13 Federal Register and the Secretary shall provide for
14 the dissemination of such notice to States and inter-
15 ested parties, including educators, parents, students,
16 and the public.

17 (4) DURATION.—(A) Each waiver under para-
18 graph (1) shall be for a period not to exceed 5 years.
19 The Secretary may extend such period if the Sec-
20 retary determines that the waiver has been effective
21 in enabling the State to carry out reform plans.

22 (5) TERMINATION OF WAIVERS.—The Secretary
23 shall periodically review the performance of a State
24 for which the Secretary has granted a waiver under
25 subsection (a)(1) and shall terminate the waiver if

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1 the Secretary determines, after notice and oppor-
2 tunity for hearing, that the performance of the State
3 in the area affected by the waiver has been inad-
4 equate to justify a continuation of the waiver.

5 (b) LOCAL WAIVERS.--

6 (1) APPLICATION.—A local educational agency,
7 charter school, or school that wishes to request a
8 waiver of a statutory or regulatory requirement shall
9 submit an application to the State at such time, in
10 such manner, and containing such information as
11 the State may reasonably require.

12 (2) CONTENTS.—Each such application shall—

13 (A) indicate each program affected and the
14 statutory or regulatory requirement that will be
15 waived;

16 (B) describe the purposes and overall ex-
17 pected results of waiving each such require-
18 ment;

19 (C) describe for each school year specific,
20 measurable, educational goals for each local
21 educational agency, charter school, or school af-
22 fected by the proposed waiver; and

23 (D) explain why the waiver will assist the
24 local educational agency, charter school, or
25 school in reaching such goals.

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1 (B) A State shall evaluate an application sub-
2 mitted under paragraph (1) in accordance with the
3 State's educational flexibility plan reform activities.

4 (3) QUALIFICATION.—A State shall not approve
5 an application for a waiver under this subsection un-
6 less—

7 (A) the local educational agency, charter
8 school, or school requesting such waiver has
9 submitted a local application under section 233
10 that is applicable to such agency or school, re-
11 spectively; and

12 (B) the waiver will assist the local edu-
13 cational agency, charter school, or school in
14 reaching its educational goals.

15 (4) MONITORING.—Each State shall annually
16 monitor the activities of local educational agencies,
17 charter schools, and schools receiving waivers under
18 this subsection.

19 (c) INCLUDED PROGRAMS.—The statutory or regu-
20 latory requirements subject to the waiver authority of this
21 section are any such requirements under parts A and B
22 of title I of the Elementary and Secondary Education Act
23 of 1965.

24 (d) WAIVERS NOT AUTHORIZED.—The Secretary or
25 a State may not waive any statutory or regulatory require-

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1 ment of the programs or Acts described in subsection

2 (c)—

3 (1) that relate to—

4 (A) the distribution of funds to States or
5 to local educational agencies;

6 (B) comparability of services;

7 (C) the equitable participation of students
8 and professional staff in private schools;

9 (D) parental participation and involve-
10 ment;

11 (E) requirements governing privacy of
12 pupil records.

13 (F) requirements under all civil rights stat-
14 utes, including title VI of the Civil Rights Act
15 of 1964, section 504 of the Rehabilitation Act
16 of 1973, title II of the Americans With Disabil-
17 ities Act, title IX of the Education Amendments
18 of 1972, parts A, B, and H of the Individuals
19 with Disabilities Education Act.

20 (2) unless the underlying purposes of the statu-
21 tory requirements of each program or Act for which
22 a waiver is granted continue to be met to the satis-
23 faction of the Secretary.

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1 SEC. 243. FEDERAL ADMINISTRATION.

2 (a) RULEMAKING.—The Secretary shall issue regula-
3 tions under this title only to the extent that such regula-
4 tions are necessary to ensure that there is compliance with
5 the specific requirements and assurances required by this
6 title.

7 (b) AVAILABILITY OF APPROPRIATIONS.—Notwith-
8 standing any other provision of law, unless expressly lim-
9 ited by this subsection, funds appropriated in any fiscal
10 year to carry out activities under this title shall become
11 available for obligation on July 1 of such fiscal year and
12 shall remain available for obligation until the end of the
13 subsequent fiscal year.

14 SEC. 244. PROGRESS REPORTS ON STUDENT ACHIEVE-
15 MENT.

16 (a) STATE REPORTS TO THE EDUCATION GOALS
17 PANEL.—Each State that receives funds under this title
18 shall annually report to the Education Goals Panel regard-
19 ing—

20 (1) progress in meeting State content standards
21 and increasing student achievement;

22 (2) progress of local educational agencies and
23 charter schools in meeting local goals and increasing
24 student achievement.

25 (b) PUBLICATION.—The Goals Panel shall publish
26 the State's progress reports describing the State content

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1 standards and student performance standards and assess-
2 ments and how the State is increasing student achieve-
3 ment based on the State content standards.

4 (c) ANNUAL REPORT.—The Goals Panel shall submit
5 an annual report to the Committee on Economic and Edu-
6 cational Opportunities of the House of Representatives
7 and the Committee on Labor and Human Resources of
8 the Senate describing how each State receiving funds
9 under this title has increased student achievement based
10 on the State content standards.

11 (d) REPORTS TO CONGRESS.—Not later than April
12 30, 1997, and every 2 years thereafter, the Secretary shall
13 submit a report to the Committee on Economic and Edu-
14 cational Opportunities of the House of Representatives
15 and the Committee on Labor and Human Resources of
16 the Senate describing the effect of waivers under this sec-
17 tion including—

18 (1) a listing of all States, local educational
19 agencies, charter schools, and schools seeking and
20 receiving waivers;

21 (2) a summary of the State and Federal statu-
22 tory or regulatory requirements that have been
23 waived;

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1 (3) a summary of waivers that have been termi-
2 nated, including a rationale for the terminations;
3 and

4 (4) recommendations to the Congress regarding
5 changes in statutory or regulatory requirements,
6 particularly those actions that should be taken to
7 overcome Federal statutory or regulatory impedi-
8 ments to education reform.

9 SEC. 245. ACCOUNTABILITY PROVISIONS.

10 [To be supplied]

11 **TITLE III—MISCELLANEOUS**
12 **PROVISIONS**

13 **PART A—EDUCATION GOALS PANEL**

14 SEC. 301. AMENDMENTS TO GOALS PANEL.

15 (a) PURPOSE.—Section 201(3) of the Goals 2000:
16 Educate America Act (referred to in this section as the
17 “Act”) is amended to read as follows:

18 “(3) [reviewing State content standards and
19 student performance standards voluntarily submitted
20 to the Panel for such review by the States.”.]

21 (b) PANEL.—Section 202 is amended—

22 (1) in paragraph (1) of subsection (i)—

23 (A) by inserting “Governor to be the” after
24 “select a”; and

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1 (B) by striking "from among the mem-
2 bers" after "Chairperson" and inserting "of the
3 Panel"; and

4 (2) in subsection (j)—

5 (A) by striking the comma after "content"
6 and inserting "or"; and

7 (B) by striking ", or opportunity-to-learn".

8 (c) DUTIES.—Section 203 of the Act is amended—

9 (1) in subsection (a) by striking paragraphs
10 (2), (3), and (4) and redesignating paragraphs (5)
11 and (6) as paragraphs (2) and (3), respectively; and

12 (2) in subsection (b)(1)—

13 (A) by inserting a period after "Goals" in
14 subparagraph (B); and

15 (B) by striking "and to provide" and all
16 that follows through the end of such paragraph.

17 (d) POWERS.—Section 204(a) of the Act is amend-
18 ed—

19 (1) by striking "(1) IN GENERAL.—"; and

20 (2) by striking paragraph (2).

21 (e) ASSESSMENT DEVELOPMENT AND EVALUATION

22 GRANTS.—Section 220(a) of the Act is amended—

23 (1) in paragraph (1) by striking "to be used"
24 and all that follows through "Council" and inserting
25 "that are aligned to State content standards."; and

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1 (2) in paragraph (2) by striking "section
2 241(d)" and inserting "section 241(b)".

3 (f) EVALUATION.—Section 221(a) of the Act is
4 amended—

5 (1) by striking "From funds reserved under
6 section 304(a)(2)(C), the" and inserting "The";

7 (2) in paragraph (1), by striking "and the
8 Council" in subparagraph (A) and all that follows
9 through the end of subparagraph (D);

10 (3) in paragraph (2), by striking "and the
11 Council"; and

12 (4) in paragraph (3), by striking "sections 219
13 and" and inserting "section".

14 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
15 241 of the Act is amended—

16 (1) in subsection (a), by striking "1994" and
17 inserting "1996";

18 (2) by striking subsections (b) and (c) and re-
19 designating subsection (d) as subsection (b); and

20 (3) in subsection (b) (as redesignated), by strik-
21 ing "\$5,000,000 for fiscal year 1994, and" and in-
22 serting "for fiscal year 1996".

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PART B—REPEALS

SEC. 311. ELEMENTARY AND SECONDARY EDUCATION ACT

OF 1965.

The following provisions of the Elementary and Secondary Education Act of 1965 are repealed:

- (1) Titles II, III, IV, VI, and XII.
- (2) Parts B and C of title V.
- (3) Section 7136 and part B of title VII.
- (4) Parts B and C of title IX.
- (5) Subpart 2 of part D and parts A, B, C, F, G, H, I, J, K, L, and M of title X.
- (6) Part C of title XIII.
- (7) Sections 1125A, 1502, and 1503.
- (8) Paragraph (2) of section 1002(g).
- (9) Paragraph (3) of section 1116(c).
- (10) Paragraph (3) of section 1118(a).

SEC. 312. GOALS 2000: EDUCATE AMERICA ACT.

The following provisions of the Goals 2000: Educate America Act are repealed:

- (1) Titles III, IV, VI, VII, and VIII.
- (2) Parts F and G of title IX.
- (3) Parts B and D of title X.
- (4) Sections 211 through 219, 233, 236, 971, and 1013.
- (5) subsection (k) of section 202.
- (6) Subsections (i) and (j) of section 941.

→ this is part 6, so
it's covered by
line 21

Goals 2000 Community Partnerships
program
August 2, 1995 (3:22 p.m.)

→ Teacher research
dissemination demonstration program

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1 SEC. 313. IMPROVING AMERICA'S SCHOOLS ACT OF 1994.

2 The following provisions of the Improving America's

3 Schools Act of 1994 are repealed:

4 (1) Part D of title V.

5 (2) Sections 517 and 566.

6 SEC. 314. HIGHER EDUCATION ACT.

7 The following provisions of the Higher Education Act

8 of 1965 are repealed:

9 (1) Subpart 2 of part E of title V.

10 (2) Sections 53 and 55.

11 SEC. 315. VIOLENT CRIME CONTROL AND LAW ENFORCE-

12 MENT ACT OF 1994.

13 Section 30402 of the Violent Crime Control and Law

14 Enforcement Act of 1994 is repealed.

*Family and community endeavor
schools grant program
(P.L. 103-322, Title III-D)*

*Waste Management
Education Research
Consortium*

*Workers Technology Skill
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*Therapeutic Model
Demonstration Schools (BIA)*

*Programs to Encourage Minority
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*Christa McAuliffe declaration of
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*National Board for Professional
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SEA: showing provisions to be repealed by Underwood. Gooding block grant proposal

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(g)(2) (a/a for §§1502 and 1503) would be deleted]

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(c)(3) would be repealed ←

(d)(3) would be repealed ←

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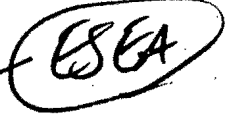
"Sec. 9207. Native Hawaiian gifted and talented program.

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"Sec. 9210. Native Hawaiian community-based education learning centers.

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"Sec. 9212. Definitions.

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"Sec. 9302. Findings.

"Sec. 9303. Purpose.

"Sec. 9304. Alaska Native educational planning, curriculum development, teacher training and recruitment program.

"Sec. 9305. Alaska Native home based education for preschool children.

"Sec. 9306. Alaska Native student enrichment programs.

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"TITLE XIV—GENERAL PROVISIONS

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"Sec. 14205. Consolidated set-aside for Department of the Interior funds.

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"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL
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"Sec. 14301. Purpose.

"Sec. 14302. Optional consolidated State plans or applications.

- "Sec. 14303. General applicability of State educational agency assurances.
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- "Sec. 14307. Relationship of State and local plans to plans under the Goals 2000; Educate America Act.

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- "Sec. 14401. Waivers of statutory and regulatory requirements.

"PART E—UNIFORM PROVISIONS

- "Sec. 14501. Maintenance of effort.
- "Sec. 14502. Prohibition regarding State aid.
- "Sec. 14503. Participation by private school children and teachers.
- "Sec. 14504. Standards for by-pass.
- "Sec. 14505. Complaint process for participation of private school children.
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- "Sec. 14507. Prohibition against funds for religious worship or instruction.
- "Sec. 14508. Applicability to home schools.
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- "Sec. 14602. Policy regarding criminal justice system referral.
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- "Sec. 14701. Evaluations.

"PART H—SENSE OF THE CONGRESS

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- "Sec. 14802. Sense of Congress; requirement regarding notice."

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

- Sec. 211. Title; applicability; definitions.
- Sec. 212. Repeal and redesignation.

PART B—THE DEPARTMENT OF EDUCATION

- Sec. 221. New heading for part A.
- Sec. 222. General authority of the Secretary.

PART C—APPROPRIATIONS AND EVALUATIONS

Goals 2000: Educate America Act
showing provisions to be repealed by §312
of the draft Goodling/Gunderson block
grant legislation

PUBLIC LAW 103-227—MAR. 31, 1994

108 STAT. 125

Public Law 103-227
103d Congress

An Act

To improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes.

Mar. 31, 1994
[H.R. 1804]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act (other than titles V and IX) may be cited as the "Goals 2000: Educate America Act".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.

TITLE I—NATIONAL EDUCATION GOALS

- Sec. 101. Purpose.
- Sec. 102. National education goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

- Sec. 201. Purpose.
- Sec. 202. National Education Goals Panel.
- Sec. 203. Duties.
- Sec. 204. Powers of the Goals Panel.
- Sec. 205. Administrative provisions.
- Sec. 206. Director and staff; experts and consultants.
- Sec. 207. Early childhood assessment.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

- Sec. 211. Purpose.
- Sec. 212. National Education Standards and Improvement Council.
- Sec. 213. Duties.
- Sec. 214. Annual reports.
- Sec. 215. Powers of the Council.
- Sec. 216. Publication for public comment.
- Sec. 217. Administrative provisions.
- Sec. 218. Director and staff; experts and consultants.
- Sec. 219. Opportunity-To-Learn Development Grant.
- Sec. 220. Assessment development and evaluation grants.
- Sec. 221. Evaluation.

PART C—LEADERSHIP IN EDUCATIONAL TECHNOLOGY

- Sec. 231. Purposes.
- Sec. 232. Federal leadership.

Goals 2000:
Educate
America Act.
Inter-
governmental
relations.
20 USC 5801
note.

* Title II - Skill Standards
Title IX - etc

1(a)-
(b)

Goals 2000

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~~Sec. 233. Office of educational technology.~~

~~Sec. 234. Uses of funds.~~

~~Sec. 235. Non-Federal share.~~

~~Sec. 236. Office of training technology transfer.~~

PART D—AUTHORIZATION OF APPROPRIATIONS

Sec. 241. Authorization of appropriations.

~~TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT~~

~~Sec. 301. Findings.~~

~~Sec. 302. Purpose.~~

~~Sec. 303. Authorization of appropriations.~~

~~Sec. 304. Allotment of funds.~~

~~Sec. 305. State applications.~~

~~Sec. 306. State improvement plans.~~

~~Sec. 307. Secretary's review of applications; payments.~~

~~Sec. 308. State use of funds.~~

~~Sec. 309. Subgrants for local reform and professional development.~~

~~Sec. 310. Availability of information and training.~~

~~Sec. 311. Waivers of statutory and regulatory requirements.~~

~~Sec. 312. Progress reports.~~

~~Sec. 313. Technical and other assistance regarding school finance equity.~~

~~Sec. 314. National leadership.~~

~~Sec. 315. Assistance to the outlying areas and to the Secretary of the Interior.~~

~~Sec. 316. Clarification regarding State standards and assessments.~~

~~Sec. 317. State planning for improving student achievement through integration of technology into the curriculum.~~

~~Sec. 318. Prohibition on Federal mandates, direction, and control.~~

~~Sec. 319. State and local government control of education.~~

~~TITLE IV—PARENTAL ASSISTANCE~~

~~Sec. 401. Parental information and resource centers.~~

~~Sec. 402. Applications.~~

~~Sec. 403. Uses of funds.~~

~~Sec. 404. Technical assistance.~~

~~Sec. 405. Definitions.~~

~~Sec. 406. Reports.~~

~~Sec. 407. General provision.~~

~~Sec. 408. Authorization of appropriations.~~

TITLE V—NATIONAL SKILL STANDARDS BOARD

Sec. 501. Short title.

Sec. 502. Purpose.

Sec. 503. Establishment of National Board.

Sec. 504. Functions of the National Board.

Sec. 505. Deadlines.

Sec. 506. Reports.

Sec. 507. Authorization of appropriations.

Sec. 508. Definitions.

Sec. 509. Sunset provision.

TITLE VI—INTERNATIONAL EDUCATION PROGRAM

Sec. 601. International Education Program.

TITLE VII—SAFE SCHOOLS

Sec. 701. Short title; statement of purpose.

Sec. 702. Safe schools program authorized.

Sec. 703. Eligible applicants.

Sec. 704. Applications and plans.

Sec. 705. Use of funds.

Sec. 706. National activities.

Sec. 707. National cooperative education statistics system.

Sec. 708. Reports.

Sec. 709. Coordination of Federal assistance.

TITLE VIII—MINORITY-FOCUSED CIVICS EDUCATION

Sec. 801. Short title.

Sec. 802. Purposes.

Sec. 803. Grants authorized; authorization of appropriations.

Sec. 804. Definitions.

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~~Sec. 886. Applications.~~

TITLE IX—EDUCATIONAL RESEARCH AND IMPROVEMENT

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Sec. 902. Findings.

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AND IMPROVEMENT

Sec. 911. Repeal.

Sec. 912. Office of Educational Research and Improvement.

Sec. 913. Assistant Secretary for Educational Research and Improvement.

Sec. 914. Savings provision.

Sec. 915. Existing grants and contracts.

PART B—NATIONAL EDUCATIONAL RESEARCH POLICY AND PRIORITIES BOARD

Sec. 921. Establishment within Office of Educational Research and Improvement.

PART C—NATIONAL RESEARCH INSTITUTES

Sec. 931. Establishment within the Office of Educational Research and Improvement.

PART D—NATIONAL EDUCATION DISSEMINATION SYSTEM

Sec. 941. Establishment within Office of Educational Research and Improvement.

PART E—NATIONAL LIBRARY OF EDUCATION

Sec. 951. Establishment within Office of Educational Research and Improvement.

PART F—STAR SCHOOLS

Sec. 961. Star schools.

PART G—OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION

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PART H—FIELD READERS

Sec. 981. Field readers.

PART I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED
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Sec. 991. National Occupational Information Coordinating Committee.

TITLE X—MISCELLANEOUS

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Sec. 1012. Funding for the Individuals with Disabilities Education Act.

~~Sec. 1013. National Board for professional teaching standards.~~

Sec. 1014. Forgiveness of certain overpayments.

Sec. 1015. Study of goals 2000 and students with disabilities.

Sec. 1016. Amendments to summer youth employment and training program.

Sec. 1017. Protection of pupils.

Sec. 1018. Contraceptive devices.

Sec. 1019. Assessments.

Sec. 1020. Public schools.

Sec. 1021. Assessment of educational progress activities.

Sec. 1022. Sense of the Congress.

PART B—GUN-FREE SCHOOLS

Sec. 1031. Short title.

Sec. 1032. Gun-free requirements in elementary and secondary schools.

PART C—ENVIRONMENTAL TOBACCO SMOKE

Sec. 1041. Short title.

Sec. 1042. Definitions.

Sec. 1043. Nonsmoking policy for children's services.

Sec. 1044. Preemption.

PART D—MIDNIGHT BASKETBALL LEAGUE TRAINING AND PARTNERSHIP

Sec. 1051. Short title.

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PUBLIC LAW 103-227—MAR. 31, 1994

Sec. 1052. Grants for midnight basketball league training and partnership programs.

Sec. 1053. Public housing midnight basketball league programs.

20 USC 5801.

SEC. 2. PURPOSE.

The purpose of this Act is to provide a framework for meeting the National Education Goals established by title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of learning and teaching in the classroom and in the workplace;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform and lifelong learning;

(4) establishing valid and reliable mechanisms for—

(A) building a broad national consensus on American education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high academic and occupational skill standards and to succeed in the world of employment and civic participation;

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards and strategies that all students will be expected to achieve;

(C) providing for the establishment of high-quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children to prepare them to participate fully as workers, parents, and citizens;

(E) providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans; and

(F) promoting the use of technology to enable all students to achieve the National Education Goals;

(7) stimulating the development and adoption of a voluntary national system of skill standards and certification to

2(1)-
(7)

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*Title II of the Goals 2000: Educate America Act,
showing sections to be amended by Goodling-Bunderson
block-grant proposal*

TITLE II—NATIONAL EDUCATION RE- FORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

SEC. 201. PURPOSE.

It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals; and

~~(3) reviewing the voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for the certification of such standards, and the criteria for the certification of State assessments certified by the National Education Standards and Improvement Council, with the option of disapproving such standards and criteria not later than 90 days after receipt from such Council.~~

→ (3) [reviewing State content standards and student performance standards voluntarily submitted to the Panel for such review by the States."]

SEC. 202. NATIONAL EDUCATION GOALS PANEL.

* * *

(i) CHAIRPERSON.—

(1) IN GENERAL.—The members shall select a Chairperson ~~from among the members.~~

→ Governor to be the

(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

→ of the Panel

(j) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content ~~performance or opportunity to learn~~ standards may not participate in Goals Panel consideration of such standards.

→ or

(k) EX OFFICIO MEMBER.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to subsection (b)(1), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

SEC. 203. DUTIES.

(a) IN GENERAL.—The Goals Panel shall—

(1) report to the President, the Secretary, and the Congress regarding the progress the Nation and the States are making toward achieving the National Education Goals established under title I of this Act, including issuing an annual report;

~~(2) report on State opportunity-to-learn standards and strategies and the progress of States that are implementing such standards and strategies to help all students meet State content standards and State student performance standards;~~

(3) submit to the President nominations for appointment to the National Education Standards and Improvement Council in accordance with subsections (b) and (c) of section 212;

(4) after taking into consideration the public comments received pursuant to section 216 and not later than 90 days after receipt, review the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of State content standards, State student performance standards, State assessments, and State opportunity-to-learn standards; and

(B) voluntary national content standards, voluntary national student performance standards and voluntary national opportunity-to-learn standards certified by the National Education Standards and Improvement Council, except that the Goals Panel shall have the option of disapproving such criteria and standards by a two-thirds majority vote of the membership of the Goals Panel not later than 90 days after receipt of such criteria and standards;

(2) ~~(5)~~ report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

(3) ~~(6)~~ help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) REPORT.—

(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

(A) report on the progress of the United States toward achieving the National Education Goals;

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals ~~and to provide all students with a fair opportunity to learn, and~~ →

~~(C) report on State opportunity-to-learn standards and strategies and the progress of States that are implementing such standards and strategies to help all students meet State content standards and State student performance standards.~~

(2) FORM; DATA.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

SEC. 204. POWERS OF THE GOALS PANEL.

(a) HEARINGS.—

~~(1) IN GENERAL.—~~ The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

~~(2) REPRESENTATION.— In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, voluntary national opportunity-to-learn standards, and State assessments described in section 212(f).~~

PART B—NATIONAL EDUCATION STANDARDS
AND IMPROVEMENT COUNCIL

SEC. 220. ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to make grants to State and local educational agencies or consortia of such agencies to help defray the cost of developing, field testing, and evaluating State assessments ~~to be used for some or all of the purposes indicated in section 212(f)(1)(B), that are aligned to State content standards certified by the Council.~~

that are aligned to State content standards.

(2) RESERVATION.—The Secretary shall reserve a portion of the funds authorized under section ~~241(d)~~ for grants to State educational agencies and local educational agencies for purposes of developing such assessments in languages other than English and for students with disabilities.

241(b)

SEC. 221. EVALUATION.

(a) GRANT.—~~From funds reserved under section 304(a)(2)(C),~~ the Secretary shall make a grant, in an amount not to exceed \$500,000, to the National Academy of Sciences or the National Academy of Education to—

The

(1) evaluate—

(A) the technical quality of the work performed by the Goals Panel ~~and the Council;~~

~~(B) the process the Council uses to develop criteria for certification of standards and assessments;~~

~~(C) the process the Council uses to certify voluntary national standards as well as standards and assessments voluntarily submitted by States; and~~

~~(D) the process the Goals Panel uses to approve certification criteria and voluntary national standards;~~

(2) periodically provide to the Goals Panel ~~and the Council~~, as appropriate, information from the evaluation under paragraph (1); and

(3) report on the activities authorized under ~~Sections 219~~

section

and 220.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated \$3,000,000 for fiscal year ~~1994~~ and such sums as may be necessary for each of the four succeeding fiscal years, to carry out part A of this title.

1996

~~(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated \$3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out part B of this title.~~

~~(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANTS.—There are authorized to be appropriated \$2,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995, to carry out section 219.~~

(b) ~~(a)~~ ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.—There are authorized to be appropriated ~~\$5,000,000 for fiscal year 1994, and~~ such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out section 220.

for fiscal year 1996